

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOEL THOMAS TOLER,

Plaintiff,

v.

PAUL GOSPODARCZYK, et al.,

Defendants.

Case No. 19-cv-05810-HSG


ORDER OF DISMISSAL

Plaintiff filed this action on September 17, 2019. Dkt. No. 1. Since the filing of this action, the Court has not received any further communications from Plaintiff. Plaintiff did not file his opposition to Defendants' motion to dismiss by the specified deadline. Nor did Plaintiff respond to the Court's order to show cause why Defendants' motion to dismiss should not be granted, which response was due on November 14, 2019. *See* Dkt. No. 7.

Federal Rule of Civil Procedure 41(b) provides that where a "plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Fed. R. Civ. P. 41(b). The Court may also sua sponte dismiss a case for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962). The Court finds that Plaintiff has demonstrated that he is unable or unwilling to adequately prosecute this case. Accordingly, the Court **DISMISSES** this action **WITHOUT PREJUDICE** under Rule 41(b) for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: 12/11/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge